THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.16979 OF 2006

DATED: 14.8.2006

BETWEEN:

K.Nirmala … petitioner

And

The Chief Election Commissioner,
And others. … Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.16979 OF 2006

ORDER:

The writ petition is filed for a writ of mandamus declaring the action of the fourth respondent in declaring the fifth respondent as elected to the post of Sarpanch of Alair Gram Panchayat in Nalgonda district pursuant to the elections held on 2.8.2006, without considering the representation dated 4.8.2006 submitted by the petitioner, as illegal, arbitrary and contrary to the Rules and to consequently direct the respondents to forthwith dispose of the representation dated 4.8.2006 of the petitioner and order for recounting of votes as per Rule 35 of the A.P.Panchayat Raj (Conduct of Elections to Members and Sarpanches of Gram Panchyats, Members of Mandal Parishads and Members of Zilla Parishads) Rules 1994 and conduct recounting of votes in the presence of independent officers and to pass such other order.

It is stated by the learned counsel that inasmuch as the relief being prayed for is only disposal of representation, the petitioner cannot be driven to an election petition straightaway, but suitable directions can be issued for disposal of the representation. The resultant effect of the dismissal of the representation may also have to be kept in view.

In the light of the facts and circumstances explained in the affidavit filed in support of the writ petition, this Court is of the

considered opinion that at this stage, the writ Court cannot interfere.

The writ petition is disposed of giving liberty to the writ petition to approach the appropriate election tribunal by way of an election petition, if the petitioner is so advised.

Accordingly, the writ petition is disposed of. No order as to costs.

14.8.2006.

mdaa